

**Amendments to the Drawings:**

The attached sheet of drawing include changes to Figs. 23A-C. This sheet, which include Figs. 23A-C, replace the original sheets including Figs. 23A-C. A marked up sheet of the figures is also provided for the Examiner's reference.

Attachments: Request For Approval Of Drawing Corrections  
Marked-Up Sheet  
Replacement Sheet

**REMARKS****I. Status of the Claims:**

Claims 1-39 are pending in the application. Claims 1-11 and 16-39 are withdrawn from consideration.

By this Amendment, claims 12-15 have been amended, and new claims 40 and 41 have been added. No new matter has been introduced by this Amendment.

Upon entry of this Amendment, claims 1-41 would be pending.

**II. Election/Restriction Requirement**

In the Office Action, the Examiner issued a restriction/election requirement requiring Applicants to elect one of the following groups:

- I. Claims 1-11, Group I, drawn to arranging names of attribute planes.
- IIA. Claims 12-15, Group IIA, drawn to generating a frame around a two-dimensional plane intersecting a three-dimensional object in a CAD environment that is not a bounding box and that has a label.
- IIB. Claims 16-21, 34, and 37, Group IIB, drawn to displaying a range of attribute information for a plane.
- III. Claims 22-27, 35 and 38, Group III, drawn to displaying a position of attribute planes, classified in class 345, subclasses 672 and 676.
- IV. Claims 28-33, 36 and 39, Group IV, drawn to displaying a direction of an axis of attribute planes and of the attribute planes.

In response, Applicants provisionally elects to pursue prosecution of Group IIA which includes at least claims 12-15. This election is made with traverse.

Applicants respectfully submit that: (1) all groups of claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For example, undue diverse searching would not be required since an examination of the provisionally elected claims would already entail searching of CAD software literature as indicated in the Office Action. For the foregoing reasons, it is respectfully submitted that the restriction and/or election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

To the extent a generic claim as discussed in the Office Action is allowed, consideration of the other claims are respectfully requested.

### **III. Priority**

The Examiner requests identification of the particular priority Japanese application(s) which supports the claims 12-15 in Group IIA. Applicants respectfully submit that the priority Japanese application no. 2001-182344 (6/15/01) supports the claims in Group IIA.

### **IV. Objection to the Drawings**

The drawings have been objected to as failing to comply with 37 C.F.R. §1.84(p)(5).

First, the Office Action indicates that Step S122 in Fig. 12 and Step S391 in Fig. 39 (and others) are not described in the specification. The Step S122 is described on page 34, lines 20 of the specification. As to the step S391, the specification on page 41 has been amended to reflect this step.

Second, the Office Action indicates that the drawings do not identify a plane 217 and frame 217a described on page 63, lines 14-25 with reference to Figs. 23A-23C. To address the Examiner's concerns, Applicants have amended the drawings to address the above noted matters. Corrected replacement drawing sheets of Figs. 23A-23C with these changes in compliance with 37 C.F.R. 1.121(d) are provided for approval and entry by the Examiner.

## **V. Objections to the Specification**

### **1. Title of the Invention.**

The Title of the Invention has been objected to as being non-descriptive. As suggested by the Examiner, Applicants have amended the Title to read as follows: Three-Dimensional CAD Attribute Information Presentation.

Thus, reconsideration and withdrawal of this objection are respectfully requested.

### **2. Brief Summary**

The Office Action objects to the Brief Summary as not complying with specified requirements. Particularly, the Office Action objects to the reiteration of the claim language as not reflecting a summary and as being redundant. Applicants respectfully traverse this objection.

MPEP §608.01(d) states, in part, that

Since the purpose of the brief summary of invention is to apprise the public, and more especially those interested in the particular art to which the invention relates, of the nature of the invention, the summary should be directed to the specific invention being claimed, in contradistinction to mere generalities which would be equally applicable to numerous preceding patents. That is, the subject matter of the invention should be described in one or more clear, concise sentences or paragraphs. Stereotyped general statements that would fit one application as well as another serve no useful purpose and may well be required to be canceled as

surplusage, and, in the absence of any illuminating statement, replaced by statements that are directly on point as applicable exclusively to the case at hand. . . . The brief summary of invention should be consistent with the subject matter of the claims.

As noted above, the Brief Summary “should be directed to the specific invention being claimed”. Applicants have done so by reciting the subject matter claimed in the Brief Summary section in compliance with 37 C.F.R. §1.73 and MPEP §608.01(d). Further, method, system and computer program claims define different scopes of inventions and are not simply redundant. These are not simply general statements. Accordingly, the Brief Summary is in compliance with 37 C.F.R. §1.73 and MPEP §608.01(d). The Office Action does not point specifically to any specific legal authority prohibiting the recitation of the subject matter of each claim in the Brief Summary.

Thus, reconsideration and withdrawal of this objection are respectfully requested.

**3. Clarification of Specification, Page 27, lines 15-20:**

The Examiner request clarification as to whether the CAD program resides in element 201 or 202 or either elements. Applicants respectfully submit that the CAD program can reside in either element 201 or 202 or both, as supported in the application, for example, on page 27, lines 15-20.

**4. Informalities:**

The specification is objected to as not mentioning step S122 of Fig. 12. Applicants respectfully submit that step S122 is mentioned on page 34, line 20. The specification is also objected to with respect to the phrase “three-dimensional display”. Applicants respectfully traverse the objection of this phrase. The Office Action does

not indicate the bases upon which correction is required, i.e., what is informal about this phrase. Applicants respectfully submit that one of ordinary skill in the art would understand the meaning of “three-dimensional display” described on page 40, lines 19-24 in the context of the CAD apparatus and the disclosure.

In view of the foregoing, reconsideration and withdrawal of these objections are respectfully requested.

**5. Means Plus Function:**

The Office Action requires amendment of the specification to explicitly point out the corresponding structure clearly linked or associated with each means function. Applicants respectfully submit that each of the means elements of claims 12 and 13 are clearly linked to corresponding structure in the specification, as discussed below in Section VI with regard to the section 112, first paragraph rejection.

Accordingly, reconsideration and withdrawal of this objection are respectfully requested.

**6. Duty of Disclosure:**

As to the alleged relevant applications identified in the Office Action, Applicants have submitted a related-case statement identifying these applications for consideration by the Examiner, to the extent that the Office Action identifies these applications without indicating the relevance, if any, as to the present application. The cited application serial no. 10/073,352 is related to “a fly fishing reel” which appears to be irrelevant and immaterial to the present application. As such, this application has been omitted from the statement. The related-case

statement sufficiently places these applications on the record, and thus amendment of the specification is not believed to be necessary.

Notwithstanding the requirements of 37 C.F.R. §1.56, Applicants also note that MPEP § 2004 provides suggestions, and not requirements in the context applied in the Office Action. Section 2004 of the MPEP states, in part:

While it is not appropriate to attempt to set forth procedures by which attorneys, agents, and other individuals may ensure compliance with the duty of disclosure, the items listed below are offered as examples of possible procedures which could help avoid problems with the duty of disclosure. **Though compliance with these procedures may not be required, they are presented as helpful suggestions for avoiding duty of disclosure problems.**

MPEP § 2004 (emphasis added).

As to the Shimizu patents identified in the background section of the application, these references are provided in an Information Disclosure Statement (IDS) in accordance with the Examiner's suggestions.

In view of the foregoing, reconsideration and withdrawal of these objections are respectfully requested.

## VI. Rejections under 35 U.S.C. § 101

Claim 15 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 15 has been amended to recite "a computer executable program embodied on a computer readable medium product." Accordingly, claim 15 is believed to be directed to statutory subject matter under 35 U.S.C. § 101.

**VII. Rejections under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph**

Claims 12-15 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection of these claims, for the reasons set forth below.

Applicants respectfully assert that the method claim 14 and computer program claim 15 are not means-plus-function claims or step-plus-function claims and, thus, do not fall under the requirements of 35 U.S.C. §112, sixth paragraph. Further, these claims are supported by the description, for example, under “Other display method” beginning on page 88 and the CAD apparatus shown in and described for Fig. 2.

As to claims 12 and 13, Applicants respectfully submit that the various claimed functions of the means elements are clearly linked to or associated with corresponding structure of the components of the CAD apparatus, such as shown in and described for Fig. 2. For example, the structure of the attribute input means corresponds to the input device 205, the structure of the storage means corresponds to the storage device 201 and/or 202, and the structure of the display means corresponds to the display device 204. The structure of the attribute arrangement plane setting means, the first frame setting means and the second frame setting means each correspond to the CPU device 203, which executes a program (e.g., code) to perform respective functions of these means elements. Further, in addition to the high level support, more detailed exemplary embodiments (e.g., scopes) for these means elements are described under “Other display method” beginning on page 88, likewise, performed by components of the CAD apparatus, such as shown in and described for Fig. 2. The above high level and lower level examples of the corresponding structure of the means elements would be apparent to one of ordinary skill in the art from the specification and drawings.

In view of the foregoing, Applicants believe that these claims satisfy the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

### **VIII. Rejections under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Claims 12-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. For similar reasons as discussed above in section VII, Applicants respectfully submit that claims 12-15 are definite.

Further, the Office Action asserts that the terms “attribute arrangement plane” and “attribute” are indefinite. Applicants respectfully disagree. The Office Action provides no objective evidence of how these terms are in any way contrary to their “ordinary meaning”. Further, notwithstanding the above, the Office Action also does not indicate why such terms would be ambiguous, particularly since the application is replete with explicit examples of the usage of these terms. As such, Applicants respectfully submit that these terms are sufficiently definite and do not require redefining.

As to the storage means, this means element can correspond to either storage device 201 or storage device 202 or both (as noted above).

In view of the foregoing, reconsideration and withdrawal of the rejection of these claims are respectfully requested.

### **IX. Rejections under 35 U.S.C. § 103**

Claims 12, 14, and 15 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,701,403 to Watanabe et al. (“Watanabe”) in view of U.S.

Patent No. 5,803,914 to Ryals et al. (“Ryals”). Applicants respectfully traverse the rejection of these claims, for the reasons set forth below.

Independent claim 12, as amended, is directed to an arrangement which displays “frame” instead of “attribute information”. Such an arrangement, for example, can contribute to effectively improve usability and operability even with respect to complex 3D model having tangled attribute information.

On the contrary, Watanabe and Ryals do not disclose or suggest the above-noted feature, and further do not provide sufficient motivation for combining the references to provide this feature, e.g., such as for example the benefits discussed above.

In view of the foregoing, claim 12 and its dependent claims are patentably distinguishable over the cited references, individually or in combination. For similar reasons, claims 14 and 15 and their dependent claims are also distinguishable over the cited references.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. In the event there are any questions as to the above, the Examiner is invited to contact the undersigned.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4820.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4820.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: 10/26/05

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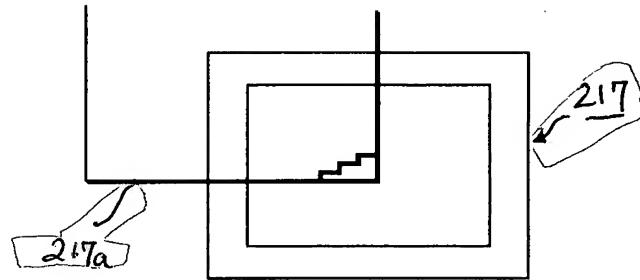
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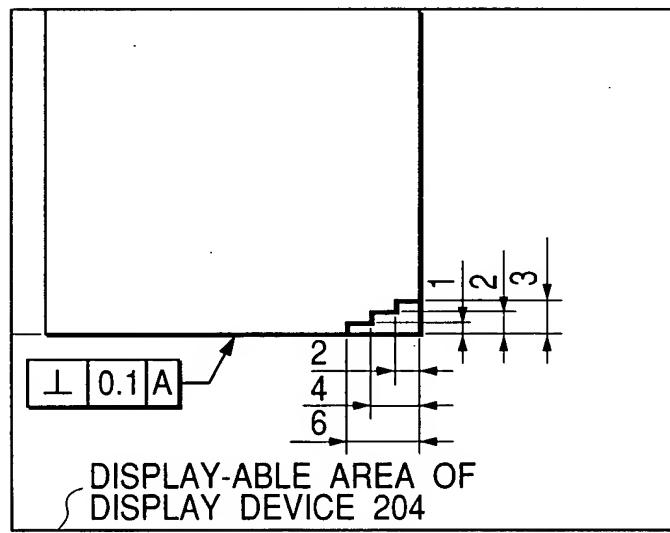


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**FIG. 23A**



**FIG. 23B**



**FIG. 23C**

